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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,794	07/10/2003	Panayotis Andricacos	20140-00302-US /YOR920030	3511
30678 7590 05/24/2007 CONNOLLY BOVE LODGE & HUTZ LLP P.O. BOX 2207 WILMINGTON, DE 19899-2207			EXAMINER SMITH, NICHOLAS A	
			ART UNIT 1742	PAPER NUMBER
			MAIL DATE 05/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/615,794

Applicant(s)

ANDRICACOS ET AL.

Examiner

Nicholas A. Smith

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 16-26 remain for examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seita et al. (US Patent 6,881,319) in view of Blachier et al. (US Patent 6,569,307), further in view of Kopp (US Patent 6,083,374) and further in view of Sun et al. (US 2002/0125142).
3. Seita et al. in view of Blachier et al., further in view of Kopp and Sun et al. is applied to the claims for the same reasons as stated in paragraph(s) 5-15 of the previous office action.
4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seita et al. in view of Blachier et al., further in view of Kopp and further in view of Sun et al. as stated above in regards to claim 18, and further in view of Skoog et al. (*Fundamentals of Analytical Chemistry* 7th Ed.; Saunders College Publishing, Forth Worth, 1996, pp. 701-702 and 708-709).

5. Seita et al. in view of Blachier et al., further in view of Kopp, Sun et al. and Skoog et al. is applied to the claims for the same reasons as stated in paragraph(s) 17-18 of the previous office action.

6. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seita et al. in view of Blachier et al., further in view of Kopp and further in view of Sun et al. as stated above in regards to claim 17, and further in view of Talasek et al. (US2004/0108213).

7. Seita et al. in view of Blachier et al., further in view of Kopp, Sun et al. and Talasek et al. is applied to the claims for the same reasons as stated in paragraph(s) 20-21 of the previous office action.

8. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seita et al. in view of Blachier et al., further in view of Kopp and further in view of Sun et al. as stated above in regards to claim 16, and further in view of Kopp.

9. Seita et al. in view of Blachier et al., further in view of Kopp and Sun et al. is applied to the claims for the same reasons as stated in paragraph(s) 23-24 of the previous office action.

Response to Arguments

10. Applicant's arguments filed 13 March 2007 have been fully considered but they are not persuasive. In regards to Applicant's argument that that controlling the bath with respect to a given void-formation marker (VFM) ratio = VFM/C (wherein C is accelerator concentration) is not the same as controlling a bath to a given VFM or a given C, Applicant is reminded of the following mathematical relationship. If prior art would

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control the bath to a given VFM and not control C (i.e., accelerator would breakdown over time), Examiner agrees there would be a distinction between controlling a bath to a given VFM and VFM/C (instantly claimed), because C would vary over time. However, this is not the case in the prior art combination. Kopp maintains a constant C by the bleed-and-feed method, and therefore there is no patentable distinction between controlling a bath to a given VFM (Seita et al.) in the prior art combination and VFM/C (instantly claimed) in that they only differ by a constant coefficient, $1/C$.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas A. Smith whose telephone number is (571)-272-8760. The examiner can normally be reached on 8:30 AM to 5:00 PM, Monday through Friday.

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14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571)-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NAS


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